

REMARKS

Claims 1 and 15 have been amended. The term “about” have been removed to more clearly define the claimed invention. Attached hereto is a marked-up version of the changes made to Claims 1 and 15 by the above amendments. The attached page is entitled “Version with markings to show changes made”.

Rejection under 35 USC 102

Claim 1 is rejected under 35 USC 102(a) as being anticipated by EP 1035163 (EP ‘163). EP ‘163 discloses starch compositions comprising starch, a polymer that is substantially compatible with starch and has a weight-average molecular weight of at least 500,000, and preferably at least one additive to improve melt flow and melt processability. The present invention now requires that the molecular weight of the thermoplastic polymer be less than 500,000 g/mol. The polymers suitable for use in EP ‘163 are not polymers suitable for use in the present invention due to the difference in molecular weights. Therefore, EP ‘163 does not anticipate the present invention.

Rejection under 35 USC 103

Claims 1-11 and 15-21 are rejected under 35 USC 103(a) as being unpatentable over EP 1035163 in view of Bertrand et al. EP ‘163 discloses starch compositions comprising starch, a polymer that is substantially compatible with starch and has a weight-average molecular weight of at least 500,000 such that the polymer forms effective entanglements or associations with neighboring starch molecules, and preferably at least one additive to improve melt flow and melt processability. EP ‘163 discloses that the high molecular weight polymers suitable for use should have a weight-average molecular weight of at least 500,000 and most preferably from about 2,000,000 to about 15,000,000. EP ‘163 teaches away from the present invention which requires a composition comprising deconstructured starch, a biodegradable thermoplastic polymer having a molecular weight of less than 500,000 g/mol, and a plasticizer. The polymers suitable for use in EP ‘163 are not polymers suitable for use in the present invention due to the difference in molecular weights. Therefore, one having ordinary skill in the art would not have been motivated to combine the teachings of EP ‘163 with the lactic acid disclosed in Bertrand et al.

CONCLUSION

Applicants have made an earnest effort to distinguish the claimed invention from the applied documents. Reconsideration of this application in view of the amendments and remarks provided and allowance of Claims 1-11 and 15-21 are requested. In the event that issues remain prior to allowance of the pending claims, the Examiner is invited to call Applicants' undersigned attorney to discuss any remaining issues.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Amended) A environmentally degradable, highly attenuated fiber produced by melt spinning a composition comprising:
 - a. destructurized starch,
 - b. a biodegradable thermoplastic polymer having a molecular weight of less than (about) 500,000 g/mol; and
 - c. a plasticizer

15. (Amended) A environmentally degradable, highly attenuated fiber produced by melt spinning a composition comprising:
 - a. from about 5% to about 80% of destructurized starch,
 - b. from about 15% to about 90% of a biodegradable thermoplastic polymer having a molecular weight of from about 5,000 g/mol to (about) 500,000 g/mol, and
 - c. from about 2% to about 70% of a plasticizer,wherein thermoplastic polymer microfibrils are formed within the starch matrix in the environmentally degradable, highly attenuated fiber.